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VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Notice of Ex Parte, CS Docket No. 97-80, PP Docket No. 00-67

Dear Ms. Dortch:

On Thursday, October 7, 2010, Christin McMeley, Crystal Dollins, and Doug Ike of Charter Communications, and Paul Glist of Davis Wright Tremaine, met with Paul de Sa, Chief, Office of Strategic Plans and Policy. Ms. McMeley and Messrs. Ike and Glist also met with Sherrese Smith and Marilyn Sonn of Chairman Genachowski's office. At these meetings, the following matters were discussed:

"Bring Your Own Box" Credits. Charter expressed its general support for a proposal to provide a credit to customers who subscribe to a service bundle which includes a set-top box but choose instead to use a retail CableCARD device. If the proposal were adopted, the required credit should not exceed the amount the operator allocates to equipment in the discounted package price. Any such requirement should avoid an entirely new allocation formula for calculating the amount of the credit and provide cable operators with the flexibility to use reasonable allocation methods. Examples of such methods would include any method developed in accordance with generally accepted accounting principles or any other methodology approved by local, state, or federal governmental entity.

CableCARD Self-Installation. Charter explained that although it currently has processes in place in most systems for self-installation of leased boxes by existing customers, it will need transitional time to support self-install of CableCARDs in devices for which the manufacturer provides adequate self-installation instruction and support, as discussed in Charter's Comments of June 14, 2010, pages 4-5. Systems that do not have any existing processes in place would require additional time.

Customer Education. Charter supports enhancing the information available to consumers about CableCARDs but does not support including line items in monthly bills for CableCARDs that are included with leased set-top boxes. Today, Charter leases millions of set-

top boxes. Under the Commission's equipment rate rules, a customer who happens to lease a more expensive set-top with a CableCARD pays the same rate as a customer who is leasing a less expensive integrated set-top. Inventory and advertising treats such set-tops as a single class. A single home may have one set-top with CableCARD and one without, and few customers are aware of the difference because the CableCARD adds no new function to the set-top. Introducing a line item on the bill for a CableCARD that the customer did not request, and that the customer may or may not have in the particular set-top box, is bound to create confusion and calls to Charter and to the Commission. There is no reason to create this confusion when there are better ways to make information about CableCARDs available to customers. Charter provides price, service, equipment and CableCARD information on its website and rate cards. That information could be expanded to cover information about CableCARDs that are included with leased set-top boxes, in order for customers to have the relevant information available in one location when they are deciding among equipment and service options.

IP-based Outputs. Charter supports the flexibility the Commission seeks to provide for high definition set-top boxes to use digital outputs other than the failed 1394 connector. We do not support a requirement that such IP-based outputs follow the remote control signaling set forth in CEA 931-C. CEA 931-C is derived from outdated signals (such as "channel up") associated with 1394, which were themselves based on infrared blaster codes originally associated with analog VCRs. In 2002, these simple commands had been standardized for 1394, agreed upon, and put into silicon; and yet they nonetheless failed in the market. Mandating the use of CEA 931-C would repeat that mistake and, in any event, would not provide a complete or modern approach to the discovery and selection of content on IP networks. CEA 931-C does not address how a downstream device can discover another device.[1] It does not define how an upstream device is to provide video to a downstream device.[2] Current IP-based devices with an Ethernet interface are mostly based on UPnP/DLNA, and none use 1394 specifications. Modern approaches to the discovery and selection of networked content have evolved beyond the "channel up" model of a decade ago. The cable industry is currently working closely with other MVPDs and the CE, IT and mobile devices communities in the DLNA Forum to define certain features and functions on Ethernet and Wi-Fi connectors to support DLNA retail devices that receive MVPD content. It would be a mistake to preempt those developments and signal the market to move backwards.

One-Way HD DTA Connectors. We recommended that requirements for an IP output should not be applied to an HD DTA. The original 1394 output was applied only to a cable operator's high-end two-way HD box. Under repeated instructions from the Commission, DTAs have been designed to serve as limited function, low-cost, one-way devices that can be connected

[1] "This standard does not specify the method a controller device might use to determine which target device on the network should be the recipient of a given command." CEA 931-C, at 2.

[2] "This standard … does not specify specific behavior required of the target device in response to any given function." CEA 931-C, at 2.

to the older equipment consumers own, and translate digital signals as necessary to allow them to be viewed as cable systems go "all digital." This preserves the usefulness of the consumer's home equipment, while allowing the cable system to repurpose bandwidth for popular new services like "wideband" Internet access, more HD channels, more long-tail or niche programming, and other new services. Providing cable systems the option to provide DTAs for now ubiquitous HD programming does not transform the HD DTA into an advanced home networking device. In fact, in permitting Cable One to deploy one-way HD DTAs without CableCARDs, the Commission prohibited Cable One from providing two-way services by connecting the HD DTA with another device.[3] DTAs are one choice of equipment. Adding HD to a DTA does not make it a two-way networking device. The Commission could certainly make it permissible to add an IP connector to a DTA, but it would not serve the basic purpose of the proposed HD DTA rule to require every limited function DTA that has HD to be equipped as if it were a high-end two-way HD box.

Tuning Adapters. We suggested that the tuning adaptor could be modified to tune the maximum number of video streams (currently 4) that the Multi-stream CableCARD is specified to tune.

Very truly yours,

/s/
Paul Glist

cc. Paul de Sa
Sherrese Smith
Marilyn Sonn
Joshua Cinelli
Brad Gillen
Eloise Gore
Dave Grimaldi
Rosemary Harold
Doug Sicker

[3] *See Cable One, Inc.'s Request for Waiver of Section 76.1204(a)(1) of the Commission's Rules; Implementation of Section 304 of the Telecommunications Act of 1996; Commercial Availability of Navigation Devices,* Memorandum Opinion and Order, 24 FCC Rcd 7882, 7887 (¶13, n. 39) (rel. May 28, 2009) ("For example, CableLabs has developed a 'tuning adaptor' for use with certain UDCPs that allow those devices to tune channels delivered using switched-digital technology.… Cable One must ensure that its one-way HD devices are not compatible with [] similar devices that would give the one-way HD devices two-way capability.")